

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILBERT McKREITH,
Plaintiff,

v.

J. CIPRIAN, et al.,
Defendants.

No. 1:22-cv-00588-DAD-SAB (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(Doc. Nos. 7, 11)

Plaintiff Wilbert McKreith is a state prisoner proceeding *pro se* in this civil rights action filed pursuant to the Federal Tort Claims Act (“FTCA”), 28 U.S.C. §§ 1346(b)(1), 2671–80. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 5, 2022, the assigned magistrate judge issued findings and recommendations, recommending that this action be dismissed due to plaintiff’s failure to state a cognizable claim upon which relief may be granted. (Doc. No. 11.) Those findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within fourteen (14) days of service. Plaintiff has not filed objections and the time in which to do so has since passed.

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1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
2 *de novo* review of the case. Having carefully reviewed the entire file, the court finds the findings
3 and recommendations to be supported by the record and by proper analysis.

4 Accordingly,

- 5 1. The findings and recommendations issued on July 5, 2022 (Doc. No. 11) are
6 adopted;
- 7 2. Defendant's motion to dismiss (Doc. No. 7) is denied as having been rendered
8 moot;
- 9 3. This action is dismissed due to plaintiff's failure to state a cognizable claim upon
10 which relief may be granted; and
- 11 4. The Clerk of the Court is directed to close this case.

12 IT IS SO ORDERED.

13 Dated: July 29, 2022

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UNITED STATES DISTRICT JUDGE